

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Rice *et al.*

Application No. 10/017,323

Filed: December 13, 2001

For: BENZOYLALKYLINDOLEPYRIDINIUM
COMPOUNDS AND PHARMACEUTICAL
COMPOUNDS COMPRISING SUCH
COMPOUNDS

Examiner: Not yet assigned

Date: June 20, 2002



Art Unit: 1619

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service on June 20, 2002 as First Class Mail in an envelope addressed to: BOX MISSING PARTS, COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231.

Stacey C. Slater
Stacey C. Slater
Attorney for Applicant

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COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

RECEIVED

JUN 28 2004

OFFICE OF PETITIONS

**PETITION FOR FILING BY OTHER THAN ALL THE INVENTORS
UNDER 37 C.F.R. § 1.47(a)**

Dear Sir:

Applicants William G. Rice, Mingjun Huang, Robert W. Buckheit, Jr., David G. Covell, Grzegorz Czerwinski and Christopher J. Michejda, hereby petition the Commissioner to accept the filing of the above-identified U.S. patent application by other than all the inventors.

A Declaration by the undersigned is attached providing the pertinent facts of the refusal by co-inventor Dr. Vadim Makarov to join this application. His name, residence and e-mail address are as follows:

Vadim Makarov
Moscow, Russia
makar-cl@ropnet.RU

The PTO did not receive the following
listed item(s) fee 1.17(h)

The invention that is the subject of the above application was conceived and reduced to practice by the inventors while Drs. Rice, Huang, Buckheit, Jr., Covell, Czerwinski and

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Michejda were employed at The National Institutes of Health, and Dr. Makarov was employed at Gram Limited in Russia. Applicants assisted in preparing the present application and a provisional application on which the present application is based. This application was filed without signature on December 13, 2001.

The six inventors have signed the patent application Declaration, which has been filed along with the documents necessary to respond to the Notice to File Missing Parts. Copies of these documents are enclosed. Dr. Makarov, however, has refused to sign the patent Declaration as set forth in the attached Declaration by Stacey C. Slater.


In view of the refusal of co-inventor Dr. Makarov to sign the Declaration, applicants believe that they are entitled to make such application on behalf of Dr. Vadim Makarov pursuant to 37 C.F.R. § 1.47(a).

The fee required by § 1.17(h) is also enclosed.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By


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